

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
JUNE 14, 2011

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

Absent:

Chad Bockius, Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Bill Pitmon, Police Sergeant
Stephen Myrick, Building Official

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, June 14, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

There were not any citizen comments at this time.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on May 24, 2011.
- B. Consider action on a quarterly report from the Municipal Court.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Bockius
Abstain: Council Member Dorsett

The motion carried.

Discuss and consider action on the final plat for Spillman Ranch Phase 1, Section 9, located at Falconhead Blvd and Spillman Ranch Loop (The Grove at Falconhead).

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the final plat for Spillman Ranch Phase 1, Section 9.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on the site and NPS plan for Spillman Ranch Phase 1, Section 9, located at Falconhead Blvd and Spillman Ranch Loop (The Grove at Falconhead).

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the site and NPS plan as presented subject to the screening fence being built as requested by the Planning and Zoning Commission.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on a special event permit and vendor signage for Tim and Brenda Skagg's Farmers Market located at 13810 Hwy 71 West.

Tim Skaggs spoke to the City Council regarding this item. He answered numerous questions regarding the special event permit and the semi-permanent structure for Mike's BBQ.

The City Council agreed that the awning and skirt would be permitted for Mike's BBQ.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the special event permit for six months beginning July 14, 2011 with the provision that there would not be any other permanent structures on the property.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Executive Session

The City Council closed the Open Session at 7:15 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

A. LCRA Rate Case litigation

The City Council closed the Executive Session at 8:22 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on granting a special event permit for the Backyard at Bee Cave including update on construction progress.

City Administrator Frank Salvato presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to approve the special event permit for the Backyard at Bee Cave until November 1, 2011 with the condition that the City Administrator has the authority to revoke this permit at any time that he finds it necessary, for any reason, and to prohibit the use of any portion of the venue if it does not meet code.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on a future extension and renaming of Home Depot Boulevard including utility services to Ladera Ranch.

Adib Khoury, Vice President Land Resources for Taylor Morrison, presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Murphy, to authorize staff to proceed with speaking with Target and/or Home Depot regarding an agreement that would facilitate a conversion from a four lane to a two lane road and to build the utilities in accordance with city standards.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Murphy, to direct staff to negotiate an agreement that allows Taylor Morrison to build a two lane road as was approved in the zoning ordinance in accordance with city standards that will allow the city to accept it as a public road.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action regarding on a contract with Downing Ferguson Peebles for Architectural/Engineering Design Services related to reconstruction of City Hall.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to continue this item until the next meeting.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on a contract with Gallagher Construction Services as Construction Manager-Agent for reconstruction of City Hall.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to continue this item until the next meeting.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on franchise agreement with Austin Energy.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to postpone this item until a future meeting.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Executive Session

The City Council closed the Open Session at 9:46 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- B. Consultation with Attorney regarding franchise agreement with Austin Energy.
- C. Consultation with Attorney regarding acquisition of LCRA water/wastewater systems, to include possible condemnation of the West Travis County systems.
- D. Consultation with Attorney regarding the acquisition of primitive parkland owned by Falconhead West, L.P.
- E. Consultation with City Attorney regarding authority of city to enforce building, sign and development ordinances and possible litigation with business desiring to open adult novelty store.

The City Council closed the Executive Session at 11:09 p.m. and reconvened in Regular Session in the Council Chambers.

Item C. Consultation with Attorney regarding acquisition of LCRA water/wastewater systems, to include possible condemnation of the West Travis County systems.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to authorize the City Attorney to explore the possible condemnation of the West Travis County system.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on letter of intent to create a “Public Utility Agency for provision of water or sewer service” under Chapter 572 of the Texas Local Government Code.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the letter of intent to create a Public Utility Agency as explained.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Adjournment

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

The City Council adjourned the Regular Session at 11:11 p.m.

PASSED AND APPROVED this 28th day of June, 2011.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]